

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

In re:)

RESIDENTIAL CAPITAL, LLC, ET AL.)

Debtors.)
_____)

Case No. 12-12020 (MG)

Chapter 11

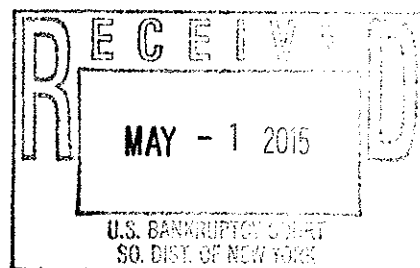
Jointly Administered

MOTION FOR LEAVE TO APPEAL

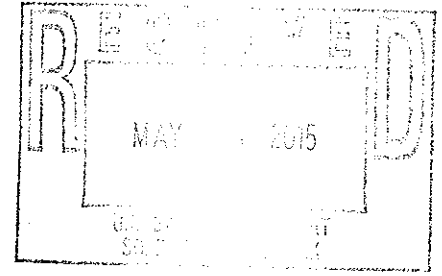
I, Kenneth C. Thomas, hereby file this Motion for Leave to Appeal pursuant to 28 U.S.C. § 158(a)(3) and Fed. R. Bankr. P. 8001(b) for leave to appeal ResCap Borrower Claims Trust's Docket 8541 – Order Denying Motion of Reconsideration of Docket 8135 – Order Sustaining Seventy-Sixth Omnibus Objection to Claim 3728.

KENNETH C. THOMAS
Claimant

Dated: April 29, 2015



**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**



In re:)

RESIDENTIAL CAPITAL, LLC, ET AL.)

Debtors.)

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In my Motion for Reconsideration, I stated without doubt that the affidavits of service used to bring foreclosure proceedings are false; and I am prepared to testify to this truth in a court of law. In the Order denying reconsideration, there is reference made to Docket 8108 that should have been Docket 8135. It would appear that the Order is invalid since it is based on a document that is not mine. In any case, it should be void due to its incorrect assumption that there are no grounds for relief under FRCP 60(b).

In the course of responding to the Trust's objections to my claim, statements were made that are not true and a reference to Illinois law that was ignored by servicer who knowingly submitted false affidavits. The foreclosure filing was done in haste as my mortgage was recorded from MERS to GMAC Mortgage a little more than two weeks before the foreclosure filing. The mortgage went from originator to MERS where it remained until assigned to GMAC Mortgage on February 6, 2012. I have also come to learn that GMAC's law firm (Codilis), as well as the servicer entity (ProVest), have been associated with forged documents.

The Trust quotes the false affidavit in Docket 8135 "process was not served on Thomas at the Property "after diligent investigation" because the process server spoke to the doorman of the condominium, "who stated that [Thomas] does not live in unit # 1705." This is a blatant lie!

The second affidavit is false too. I am attaching a copy of the Recorder of Deeds information regarding property in question that I have owned and resided since March 2008. The affidavit also stated that the doorman said, "a Ms. Duvien owned the unit". This is also untrue! I have received ongoing mail from the Trust since filing the claim in November 2012. I am attaching the latest Order as well as its envelop. In addition to the submission of false affidavits, the Trust provided irrefutable evidence in Docket 8135 that Illinois law was broken.

Id. (quoting 735 ILL. COMP. STAT. ANN. 5/2-206(a) (West 2004)). Local Rule 7.3 of the Circuit Court of Cook County provides:

Pursuant to [section 2-206(a) of the Code], due inquiry shall be made to find the defendant(s) prior to service of summons by publication. In mortgage foreclosure cases, all affidavits of service of summons by publication must be accompanied by a sworn affidavit by the individual(s) making such 'due inquiry' setting forth with particularity the action taken to demonstrate an honest and well directed effort to ascertain the whereabouts of the defendant(s) by inquiry as full as the circumstances permit prior to placing any service of summons by publication.

I have been responding to the Trust's allegations as provided, and as a result, these lies have become known. When I spoke of "inaccuracies", I was referring to the publication affidavit that stated I could not be found because I had relocated. If I had known of the flagrant lies in the servicer affidavits, they would have been mentioned much earlier in this process. At this point, I feel a need for vindication and will do what is necessary to that end.

Respectfully submitted,

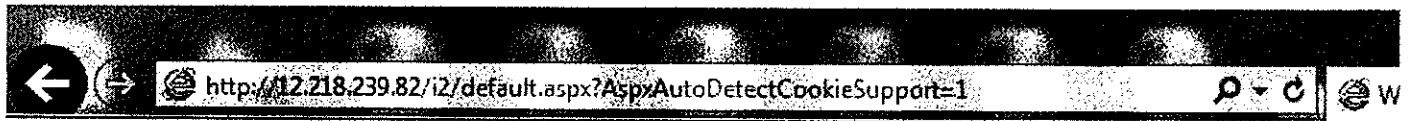
A handwritten signature in black ink, appearing to read 'Kenneth C. Thomas', with a long horizontal flourish extending to the right.

KENNETH C. THOMAS
Claimant

Dated: April 29, 2015

Exhibit A

County Records and Order/Envelop



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COOK COUNTY RECORDER OF DEEDS

KAREN A. YARBROUGH

Property Identification Number (PIN):

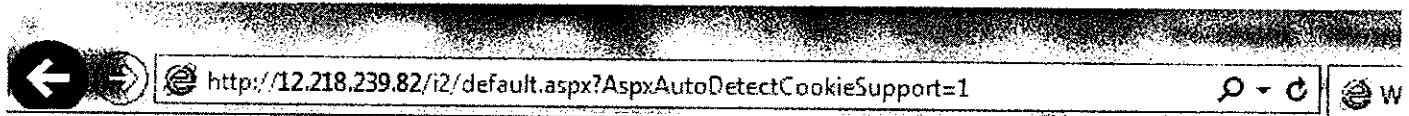
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Property Identification Number (PIN) Search: XXXXXXXXXX To

[Select All](#) | [Invert Selection](#) | [Purchase Results Summary](#) | [Add to Cart](#) | View: 20/Page 50/Page 100/Page

<u>Recorded Date</u>	<u>PIN</u>	<u>Type Desc.</u>	<u>Doc. #</u>	<u>1st Grantor</u>	<u>1st Grantee</u>	<u>1st Prior Doc#</u>
<input type="checkbox"/> 9/15/2008	XXXXXXXXXX	<u>LIEN</u>	<u>0825931070</u>	<u>CONTINENTAL TILE & MARBLE INC</u>	<u>TISHMAN CONST CORP IL</u>	<u>1104031085</u> ^
<input type="checkbox"/> 8/13/2008	XXXXXXXXXX	<u>MECHANICS LIEN</u>	<u>0822656017</u>	<u>STAR CONTRS SPLY INC</u>	<u>1454 S MICHIGAN LLC</u>	
<input type="checkbox"/> 7/30/2008	XXXXXXXXXX	<u>MECHANICS LIEN</u>	<u>0821218105</u>	<u>SPIDER</u>	<u>1454 S MICHIGAN LLC</u>	<u>0922510068</u>
<input type="checkbox"/> 7/17/2008	XXXXXXXXXX	<u>MECHANICS LIEN</u>	<u>0819903210</u>	<u>OTIS ELEVATOR CO MIDWEST REGION</u>	<u>1454 S MICHIGAN LLC</u>	<u>1009944048</u>
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<input type="checkbox"/> 6/20/2008	XXXXXXXXXX	<u>RELEASE</u>	<u>0817247090</u>	<u>EVERGREEN OAK ELEC SPLY & SALES CO INC</u>	<u>1454 S MICHIGAN LLC</u>	<u>0815634069</u>
<input type="checkbox"/> 6/19/2008	XXXXXXXXXX	<u>RELEASE</u>	<u>0817131072</u>	<u>EVERGREEN OAK ELEC SPLY & SALES CO INC</u>	<u>1454 S MICHIGAN LLC</u>	<u>0815434000</u>
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<input type="checkbox"/> 5/5/2008	XXXXXXXXXX	<u>LIEN</u>	<u>0812622033</u>	<u>TOTAL WINDOW CORP</u>	<u>1454 S MICHIGAN LLC</u>	
<input type="checkbox"/> 5/2/2008	XXXXXXXXXX	<u>MECHANICS LIEN</u>	<u>0812350057</u>	<u>UNIVERSAL FORM CLAMP INC</u>	<u>1454 S MICH LLC</u>	
<input type="checkbox"/> 4/1/2008	XXXXXXXXXX	<u>ASSIGNMENT</u>	<u>0809240022</u>	<u>UNITED HOME LOANS INC</u>	<u>MORTGAGE ELECTRONIC REGISTRATION SYSTEMS INC</u>	<u>0809240021</u>
<input type="checkbox"/> 4/1/2008	XXXXXXXXXX	<u>MORTGAGE</u>	<u>0809240021</u>	<u>THOMAS KENNETH C</u>	<u>UNITED HOME LOANS INC</u>	<u>0809240022</u>
<input type="checkbox"/> 4/1/2008	XXXXXXXXXX	<u>WARRANTY DEED</u>	<u>0809240020</u>	<u>1454 S MICHIGAN LLC</u>	<u>THOMAS KENNETH C</u>	

AMENDMENT



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COOK COUNTY RECORDER OF DEEDS

KAREN A. YARBROUGH

Property Identification Number (PIN):

Search

Property Identification Number (PIN) Search: (T)

Select All Invert Selection Purchase Results Summary Add to Cart View: 30/Page 50/Page 111/Page

Recorded Date▼	PIN	Type Desc.	Doc. #	1st Grantor	1st Grantee	1st Prior Doc#
<input type="checkbox"/> 12/13/2013		MODIFICATION	1334715041	CHAMBERS GERALD D	OCWEN LOAN SERVICING LLC	0809240021
<input type="checkbox"/> 11/5/2013		ASSIGNMENT	1330940015	GMAC MTG LLC	OCWEN LOAN SERVICING LLC	0809240021
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<input type="checkbox"/> 3/1/2012		LIS PENDENS FORECLOSURE	1206135044	GMAC MORTGAGE LLC	CHAMBERS GERALD D	0809240021
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<input type="checkbox"/> 4/28/2010		AMENDMENT CONDO DECLARATION	1011812004	1454 S MICHIGAN LLC	PUBLIC	0807716015
<input type="checkbox"/> 4/9/2010		PARTIAL RELEASE	1009944048	OTIS ELEVATOR CO MIDWEST REGION	1454 S MICHIGAN LLC	0819903210
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<input type="checkbox"/> 8/13/2009		RELEASE	0922510068	SPIDER	1454 S MICHIGAN LLC	0821218105
<input type="checkbox"/> 3/20/2009		MECHANICS LIEN	0907956045	UNITED STATES FIRE PROTECTION INC	1454 S MICHIGAN LLC	1104031088

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LEGAL VISION CONSULTING GROUP
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